IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.APPLICATION NO.135 OF 2007
IN
CRI.APPEAL NO.142 OF 2007

1. Shri.Baban Trimbak Kalsait
2. Shri.Balu Trimbak Kalsait ..Applicants

Vs.

The State of Maharashtra
& Anr. ..Respondents

...

Mr.R.S.Kate Advocate for Applicants
Mrs.V.R.Bhosale APP for the State

...

**CORAM: R.M.S.KHANDEPARKAR, AND
SMT.V.K.TAHILRAMANI, JJ.**

DATE : JULY 20, 2007

P.C. [PER SMT.V.K.TAHILRAMANI,J.]:

1. Heard the learned advocate for the applicants and the learned APP for the State.

2. The applicants have been convicted under Section 302 of IPC. The applicants are now seeking bail.

3. It is the case of the prosecution that

complainant PW 1 Subhash Raosaheb Thorat heard shouts of his wife. When he rushed to his wife, his wife told him that Baban and Balu i.e. the present applicants and two other persons had poured kerosene on her person and set her on fire.

4. We have perused the record including the Marathi record. No doubt, in English record it is the case of the prosecution that complainant PW 1 Subhash Thorat heard shouts of his wife and when he rushed to his wife, his wife told him that Baban and Balu i.e. the present applicants had poured kerosene on her person and set her on fire. However, in Marathi version, it is seen that the complainant has stated that it is not correct that his wife told him about the incident. He has further admitted the fact that his wife did not tell him that the applicants poured kerosene on her and set her on fire. Looking to this version, we are inclined to grant bail to the applicants.

5. Applicant No.1-Baban Trimbak Kalsait and applicant No.2-Balu Trimbak Kalsait be released on bail in the sum of Rs.25,000/- each (Rs.twenty five thousand only) with one or two sureties to make up

the said amount. The applicants shall report to Indapur Police Station once in a month i.e. on 1st Monday of every month till disposal of the appeal.

6. Application is allowed and is disposed of.

[R.M.S.KHANDEPARKAR, J.]

[SMT.V.K.TAHILRAMANI,J.]